

Although the purpose of notarizations is the same across our Nation, each State has, in the course of time, established its own laws governing the recognition of notarized documents. And some things are required in some places, and other things are required in others. And so the lack of consistent technical rules and the resultant formalities make it unnecessarily difficult for courts to recognize out-of-State notarizations. Some places impose certain technical requirements, such as dictating that the ink seals must be used, while others require embossers. Some States demand very particular language in the acknowledgment certificate and will, accordingly, reject out-of-State notarizations that lack the same language that they require in their State. And there are many other little details that create snafus, create problems in accepting documents that have been notarized and may be different in some small technical way. These inconsistencies, of course, do not further the goals of notarization. In fact, this problem has led to the bill that we have before us. And I'm very pleased to thank the gentleman from Alabama (Mr. ADERHOLT) and Mr. ARTUR DAVIS, also of Alabama, Mr. BRALEY of Iowa, who have all together introduced this measure. And so what we're seeing here is that we propose to grant relief to these kinds of snafus that occur in accepting out-of-State notarizations.

H.R. 1979 is supported by the National Notary Association, countless numbers of notary publics in many States, the academics that follow this arcane area of the law, and we think that they are correct, that we're making an important revision in how notarized documents are recognized by the courts, all courts. And it's in that spirit that I introduce or urge my colleagues to support H.R. 1979.

I'll reserve the balance of my time, Mr. Speaker.

Mr. COBLE. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, Representative ADERHOLT's bill eliminates unnecessary impediments in handling the everyday transactions of individuals and businesses. Many documents executed and notarized in one State, either by design or happenstance, find their way into neighboring or more distant States. A document should not be refused admission to support or defend a claim in court solely on the ground it was not notarized in the State where the Court sits. H.R. 1979 ensures this will not result.

A notarization, in and of itself, Mr. Speaker, neither validates a document nor speaks to the truthfulness or accuracy of its contents. The notarization serves a different function. It verifies that a document's signer is who he or she purports to be and has willingly signed or executed the document.

By executing the appropriate certificate, the notary public, as a disinterested party to the transaction, in-

forms all other parties relying upon or using the document that it is the act of the person who signed it.

H.R. 1979 compels a court to accept the authenticity of the document, even though the notarization was performed in a State other than where the form is located. This reaffirms the importance of the notarial act.

Mr. Speaker, after hearing testimony on this subject before the Judiciary Committee during the 109th Congress, I have concluded that the refusal of one State to accept the validity of another State's notarized document in an intrastate legal proceeding is just plain provincial and insular.

Some of the examples were based on petty reasons. For example, one State requires a notary to affix an ink stamp to a document, an act that is not recognized in a sister State that may well require documents to be notarized with a raised, embossed seal.

Passing this bill will streamline interstate commercial and legal transactions consistent with the guarantees of the Full Faith and Credit Clause of the Constitution. Mr. Speaker, I urge its passage.

Mr. Speaker, I am pleased to recognize the chief sponsor of the bill, the distinguished gentleman from Alabama (Mr. ADERHOLT), for such time as he may consume.

Mr. ADERHOLT. Mr. Speaker, I appreciate the Chairman's support for this legislation to be brought to the floor. I also want to say that I appreciate Congressman COBLE, his lending his support for this legislation and making sure that it gets to the floor today. And as Chairman CONYERS noted, Congressman DAVIS of Alabama and Congressman BRALEY of Iowa have been very helpful in this effort as well. So I'm glad to have their support.

One other person that has been very supportive that actually called this to my attention initially was a friend of mine from Alabama, Mike Turner, some time ago brought this issue to my attention, and so I'm glad that we can work on this and try to get this resolved here on the floor of the House and through the United States Congress.

I'm pleased to have been able to work together with the committee of jurisdiction to find a satisfactory solution to this issue dealing with recognition across State lines. During the hearing that was held during the 109th Congress, which has already been mentioned, by the Subcommittee on the Courts, the Internet and Intellectual Property, then Ranking Member HOWARD BERMAN pointed out that though the topic of notary recognition between the States is not necessarily the most exciting issue, it is an extremely practical one. And to my colleague who, of course, now chairs that subcommittee, I would have to agree with him on both points.

During the hearing, which was held back in March of 2006, we heard from several witnesses who all agree that

this is an ongoing and a difficult problem for interstate commerce. To businesses and individuals engaged in businesses across State lines, this is a matter long overdue that is being resolved.

H.R. 1979, the bill today, will eliminate confusion that arises when States refuse to acknowledge the integrity of documents from another State. This act preserves the right of States to set standards and regulate notaries, while reducing the burden on the average citizen who has to use the Court system.

It will streamline the interstate, commercial, and legal transaction consistent with the guarantees of the State's rights that are called for in the Full Faith in Credit Clause of the United States Constitution.

Currently, as the law is today, each State is responsible for regulating its notaries. Typically, an individual will pay a fee, will submit an application, takes an oath of office. Some States require the applicants to enroll in educational courses, pass exams and even to obtain a notary bond. Nothing in this legislation will change these steps. We are not trying to mandate how States regulate notaries which they appoint.

In addition, the bill will also not preclude the challenge of notarized documents such as a will contest.

During the subcommittee hearings on this bill that were held back in the 109th Congress, Tim Reiniger, who serves as the executive director of the National Notary Association stated, "We like this bill because it is talking about a standard for the legal effects of the material act, the admissibility of it, not at all interfering with the State requirements for education and regulation of the notaries themselves."

This is an issue that has really lagged on for many, many years. When I was first elected to Congress back in 1997, this was an issue that I was first made aware of, and here we are in 2007, and this issue is still not resolved. And this is an issue that people who deal with notaries on a daily basis deal with, to a lot of frustration.

And simply, this legislation that we have before the House today and that will be going before the United States Senate, hopefully in a very short period of time, will address this problem. It will try to expedite interstate commerce so that court documents and so that when notaries are in one State or the other, they will be fully recognized.

And again, I think it must be stressed that it is in no way trying to mandate what a State should do or should not do. It simply allows there to be more free flow of commerce between the States and particularly when you're talking about the regulation of notaries themselves.

Again, thank you, Mr. Chairman, for your support, Congressman COBLE for your support of this legislation, and allowing it to be able to move forward today. And I would urge my colleagues that when this bill comes for a vote, that they would support it under the suspension of the rules.